

STATE OF NEW HAMPSHIRE

***By His Excellency
John H. Lynch, Governor***

**EXECUTIVE ORDER 2005-2
An Order Establishing A Judicial Selection Commission**

WHEREAS, Part I, Article 35 of the New Hampshire Constitution guarantees an impartial interpretation of the laws and administration of justice by impartial and independent judicial officers; and

WHEREAS, the quality of our system of justice and public confidence in our judicial system is largely determined by the integrity, intellect and judgment of the judicial officers appointed to serve within our judicial system; and

WHEREAS, under Part II, Article 46 of the New Hampshire Constitution the Governor has the power and authority to nominate all judicial officers; and

WHEREAS, the highest quality of appointments to judicial office can best be assured by the use of a Judicial Selection Commission to aid the Governor in the exercise of the Governor's power and authority.

NOW, THEREFORE, I, JOHN H. LYNCH, Governor of the State of New Hampshire, by virtue of the power and authority vested in me by Part II, Articles 41 and 46 of the New Hampshire Constitution, do hereby order, effective immediately:

1. The establishment of a Judicial Selection Commission to seek out the best judicial talent in the State of New Hampshire, evaluate all potential applicants for judicial nominations, and recommend qualified applicants to the Governor.
2. The Commission shall consist of eleven members who shall be appointed by the Governor. Six members shall be attorneys licensed to practice law in the State of New Hampshire, and five members shall be appointed from the public at large. Members will serve terms of no more than three years. No member shall serve more than two consecutive terms. Each of the Executive Council districts shall be represented on the Commission.
3. No member shall be eligible for appointment to a state judicial office so long as he or she is a Commission member and for one year thereafter.
4. The Governor shall select co-chairs of the Commission. The co-chairs shall have the power to set any rules and procedures to aid in the Commission's selection of qualified persons for recommendation to the Governor for nomination to judicial office.

5. In evaluating applicants for judicial office, the Commission shall consider such factors as integrity, legal knowledge and ability, judicial temperament, impartiality, commitment to justice, health, experience, diligence, administrative and communication skills, and public service. Applicants for judicial office shall be considered without regard to race, religion, gender, national origin, sexual orientation or political affiliation.
6. Whenever a vacancy occurs in the office of a Supreme Court justice, a Superior Court justice, a Probate Court judge, or a District Court judge, the Governor shall forthwith notify the chair of the Commission of the vacancy. The Commission shall proceed to recommend to the Governor the names of qualified persons for each vacancy in accordance with a schedule provided by the Governor.
7. Whenever the Governor nominates a person to any vacancy occurring in the office of a Supreme Court justice, a Superior Court justice, a Probate Court judge, or a District Court judge, the Governor shall do so from the list of names of qualified persons submitted by the Commission. The Governor may from time to time request the Commission to engage in a further search for qualified applicants.
8. All records and deliberations with respect to persons under consideration as nominees or prospective nominees shall be held in strict confidence by the Commission but shall be available to the Governor. The names of persons considered by the Commission shall remain confidential except to the extent necessary for the Commission to carry out its responsibility to evaluate applicants.

Given under my hand and seal at the
Executive Chambers in Concord, this
25th day of February, in the year
two thousand and five.

Governor of New Hampshire